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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,211	07/31/2003	Harald Hinderer	11884-411501	1429

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EXAMINER
ONYEZIA, CHUKS N

ART UNIT	PAPER NUMBER
3692	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specified limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing a response, to fully consider the entire references as potentially teaching for all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35

U.S.C. 112:

> The specification shall conclude with one or more claims particularly
> pointing out and distinctly claiming the subject matter which the applicant
> regards as his invention.

3.   Claim 31 is rejected under 35 U.S.C. 112, second paragraph,

as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicant regards as

the invention. The phrase "may provide" renders the claim

indefinite because it is unclear whether the limitation

following the phrase is part of the claimed invention.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or
> a foreign country or in public use or on sale in this country, more than one
> year prior to the date of application for patent in the United States.

5.   Claims 1-4, 6-10, 12-16, 18-24, 26, 27, 29, and 31 rejected

under 35 U.S.C. 102(b) as being anticipated by Johnson et al.

U.S. Patent Number 5,615,408 (PTO-892 Reference A).

6.   As per claim 1, Johnson teaches a credit management system

for managing information relating to credit of a

telecommunications customer comprising:

a credit information manager, said credit information

manager managing information relating to a credit limit and

credit scoring of said telecommunications customer (See Johnson

Col. 57 Lns 19-24) ;

a credit limit manager, said credit limit manager managing

credit limit master data and calculating open and used credit

for said telecommunications customer (Johnson Col. 9 Lns 44-54);

credit decision support, said credit decision support

performing analyses of accounting information relating to said

telecommunications customer (Johnson Col. 57 Lns. 25-33); and

a credit rules engine, said credit rules engine applying

credit rules to generate internal scoring and internal credit

limits from information input into said credit management system

(Johnson Col. 8 Ln. 57- Col. 9 Ln. 17).

7.   As per claim 2, Johnson teaches the above limitations of

claim 1. Johnson further teaches said information input

comprises external credit scoring (Johnson Col. 8 Lns 43-57).

8.   As per claim 3, Johnson teaches the above limitations of

claim 1. Johnson further teaches said information input

comprises said accounting information (Johnson Col. 8 Lns 57-

59).

9.   As per claim 4, Johnson teaches the above limitations of

claim 3. Johnson further teaches said accounting information

comprises sales volume information (Johnson Col. 20 Lns 58-64),

dunning information (Johnson Col. 8 Lns 57-59), and payment

history information (Johnson Col. 10 Lns 46-56).

10. As per claim 6, Johnson teaches a method of automatically

performing a credit check relating to a telecommunications

customer, said method being designed to be run on a computerized

platform and comprising the steps of:

obtaining an external credit scoring from at least one

external credit information provider (Johnson Col. 8 Lns 43-57);

obtaining information relating to said telecommunications

customer from at least one source (Johnson Col. 57 Lns 19-24);

applying a credit scoring rule to said external credit

scoring and said information to calculate an internal credit

limit; and storing said internal credit limit (Johnson Col. 8

Ln. 57- Col. 9 Ln. 17).

11.   As per claim 7, Johnson teaches the above limitations of

claim 6. Johnson further teaches said applying a credit scoring

rule step comprises calculating an internal credit scoring prior

to calculating said internal credit limit and utilizing said

internal credit scoring to calculate said internal credit limit

(Johnson Col. 8 Ln. 57- Col. 9 Ln. 17).

12.   As per claim 8, Johnson teaches the above limitations of

claim 7. Johnson further teaches step of storing said internal

credit scoring (Johnson Col. 8 Lns 65-67).

13.   As per claim 9, Johnson teaches the above limitations of

claim 6. Johnson further teaches said information relating to

said telecommunications customer comprises accounting

information (Johnson Col. 8 Lns 57-59).

14.   As per claim 10, Johnson teaches the above limitations of

claim 9. Johnson further teaches said accounting information

comprises sales volume information (Johnson Col. 20 Lns 58-64),

dunning information (Johnson Col. 8 Lns 57-59), and payment

history information (Johnson Col. 10 Lns 46-56).

15. As per claim 12, Johnson teaches a method of automatically

updating a telecommunications customer's credit scoring, said

method being designed to be run on a computerized platform and

comprising the steps of:

receiving an updated external credit scoring from at least

one external credit information provider (Johnson Col. 8 Lns 43-

57);

storing said updated external credit scoring (Johnson Col.

8 Lns 43-57);

retrieving updated accounting information (Johnson Col. 57

Lns 19-24);

calculating a new internal credit scoring based upon said

updated external credit scoring and said updated accounting

information; and storing said new internal credit scoring

(Johnson Col. 8 Ln. 57- Col. 9 Ln. 17).

16. As per claim 13, Johnson teaches the above limitations of

claim 12. Johnson further teaches requesting said updated

external credit scoring from said at least one external credit

information provider (Johnson Col. 9 Lns 5-17).

17.   As per claim 14, Johnson teaches the above limitations of

claim 13. Johnson further teaches determining if said internal

credit scoring is still valid (Johnson Col. 9 Lns 18-23);

determining if said customer is active (Johnson Col. 9 Lns

23-25); and

if said customer is not active, adding said customer to an

inactive list and not updating said customer's internal credit

scoring (Johnson Col. 9 Lns 25-29).

18.   As per claim 15, Johnson teaches the above limitations of

claim 14. Johnson further teaches if said customer is not

active, erasing a stored credit limit and credit scoring for

said telecommunications customer (Johnson Col. 9 Lns 24-29)

examiner interprets the movement to an error log and handling

service as a quarantine or erasure.

19.   As per claim 16, Johnson teaches a method of automated

credit limit monitoring for a telecommunications customer, said

method being designed to be run on a computerized platform and

comprising the steps of:

receiving accounting information, said accounting

information collectively providing an indication of exposure for

said telecommunications customer (Johnson Col. 57 Lns. 19-24);

calculating a total exposure from said accounting

information (Johnson Col. 8 Ln. 57- Col. 9 Ln. 17);

determining if said total exposure is within a

predetermined level of said credit limit or higher (Johnson Col.

9 Lns 41-62);

if said total exposure is within a predetermined level of

said credit limit or higher, triggering an event for follow-up,

and updating credit scoring and credit limit for said

telecommunications customer (Johnson Col. 9 Lns 41-62).

20.   As per claim 18, Johnson teaches the above limitations of

claim 16. Johnson further teaches setting a new validity date

for said updated credit scoring and credit limit (Johnson Col. 9

Lns 8-17).

21.   As per claim 19, Johnson teaches a method of automated

exposure monitoring for monitoring credit exposure of a

telecommunications service provider, said method being designed

to be run on a computerized platform and comprising the steps

of:

obtaining accounting information relating to a

telecommunications customer (Johnson Col. 8 Lns 57-59);

calculating an accounting information total (Johnson Col.

15 Lns 27-34);

determining if said accounting information total exceeds a

credit limit of said telecommunications customer (Johnson Col. 9

Lns 41-62);

if said accounting information total does exceed said

credit limit, triggering an event (Johnson Col. 9 Lns 41-62).

22. As per claim 20, Johnson teaches the above limitations of

claim 19. Johnson further teaches said event comprises storing

said accounting information total (Johnson Col. 15 Lns 42-47).

23. As per claim 21, Johnson teaches the above limitations of

claim 19. Johnson further teaches said event comprises storing a

difference between said accounting information total and said

credit limit (Johnson Col. 15 Lns 42-47).

24. As per claim 22, Johnson teaches the above limitations of

claim 19. Johnson further teaches said method is run upon said

telecommunications customer accessing a service (Johnson Col. 6

Lns 1-14).

25. As per claim 23, Johnson teaches the above limitations of

claim 22. Johnson further teaches said accessing a service

comprises placing a new call (Johnson Col. 6 Lns 1-14).

26. As per claim 24, Johnson teaches the above limitations of

claim 22. Johnson further teaches if said accounting information

total does not exceed said credit limit, said service is

provided (Johnson Col. 9 Lns 46-51).

27. As per claim 26, Johnson teaches the above limitations of

claim 19. Johnson further teaches said method is run upon said

telecommunications customer placing a new order (Johnson Col. 6 Lns 1-14).

28.   As per claim 27, Johnson teaches the above limitations of claim26. Johnson further teaches if said accounting information total does not exceed said credit limit, said new order is approved (Johnson Col. 9 Lns 46-51).

29.   As per claim 29, Johnson teaches the above limitations of claim 19. Johnson further teaches said method is run periodically (Johnson Col. 9 Lns 8-11).

30.   As per claim 31, Johnson teaches the above limitations of claim 19. Johnson further teaches a plurality of different systems may provide said accounting information (Johnson Col. 8 Lns 43-52).

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

31.   Claims 32 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Pillay et al. U.S. Patent Publication No. 2002/0042763 A1 (PTO-892 Reference B)

32.   As per claim 32, Johnson teaches a method of automatically preparing a credit checklist for a telecommunications service provider, said method being designed to be run on a computerized platform and comprising the steps of:

obtaining information from an accounts receivable system (see Pillay ¶ [0044]);

obtaining information from a billing system (Pillay ¶ [0037]); and

taking information relating to a predetermined volume of telecommunications customers, critical telecommunications customers' information, and suspicious telecommunications customers' information and preparing a report therefrom (Pillay ¶ [0059] and [0066]).

33.   As per claim 33, Johnson teaches the above limitations of claim 32. Johnson further teaches said predetermined volume

comprises a predetermined percentage of said telecommunications customers (Pillay ¶ [0006]) examiner interprets the providing of reports to all customers a predetermined percentage of 100%.

Claim Rejections - 35 USC § 103

34. The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

35. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Johnson et al. U.S. Patent Number

5,615,408 (PTO-892 Reference A) in view of Natsuno U.S. Patent

Number 7,231,202 B2 (PTO-892 Reference C).

36. As per claim 5, Johnson teaches the above limitations of

claim 1. However, Johnson does not teaches said information

input comprises customer profession and age information. Natsuno

teaches this limitation (see Natsuno Col. 8 Lns. 14-25). One of

ordinary skill in the arts would have found motivation to

combine these teaching for the purpose of managing credit

information of system subscribers (see Natsuno Col. 6 Lns. 42-

46).

37. As per claim 11, Johnson teaches the above limitations of

claim 6. However, Johnson does not teaches said information

relating to said customer comprises profession and age

information. Natsuno teaches this limitation (see Natsuno Col. 8

Lns. 14-25). One of ordinary skill in the arts would have found

motivation to combine these teaching for the purpose of managing

credit information of system subscribers (see Natsuno Col. 6

Lns. 42-46).

38.   Claims 17, 25, 28, and 30 are rejected under 35 U.S.C.

103(a) as being unpatentable over Johnson et al. U.S. Patent

Number 5,615,408 (PTO-892 Reference A).

39.   As per claim 17, Johnson teaches the above limitations of

claim 16. However, Johnson does not teaches said accounting

information comprises data relating to open items, and unbilled

and billed but not posted items. Examiner notes that the added

limitation does not modify the operation of Johnson's invention.

To have modified Johnson to have included various data types

would have been obvious to the skilled artisan because the

inclusion of such types would have been an obvious matter of

design choice in light of the invention already discloses by

Johnson. Such modification would not have otherwise affected

Johnson and would have merely represented one of numerous data

types that the skilled artisan would have found obvious for the

purposes of determining credit worthiness, already disclosed by

Johnson. Additionally, applicant has not persuasively

demonstrated the criticality of providing this arrangement

versus the arrangement discloses in Johnson. See In re Japikse,

181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

40.   As per claim 25, Johnson teaches the above limitations of

claim 22. However, Johnson does not teaches said event comprises

suspending said service. Examiner notes that the added

limitation does not modify the operation of Johnson's invention.

To have modified Johnson to have included suspending services

would have been obvious to the skilled artisan because the

inclusion of such types would have been an obvious matter of

design choice in light of the invention already discloses by

Johnson. Such modification would not have otherwise affected

Johnson and would have merely represented one of numerous data

types that the skilled artisan would have found obvious for the

purposes of enforcing set credit limits, already disclosed by

Johnson. Additionally, applicant has not persuasively

demonstrated the criticality of providing this arrangement

versus the arrangement discloses in Johnson. See In re Japikse,

181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

41.   Claims 28 and 30 are rejected using logic similar to that

used in the rejection of claims 25 and 17 respectfully.

Double Patenting

A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer <u>cannot</u> overcome a double patenting rejection based upon 35 U.S.C. 101.

42. Claims 1-21, and 26-33 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-29 of copending Application No. 10/766,863. This is a <u>provisional</u> double patenting rejection since the conflicting claims have not in fact been patented.
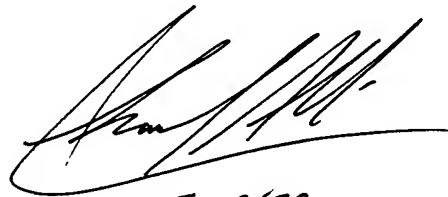
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuks Onyezia Esq. whose telephone number is 571-270-1372. The examiner can normally be reached on Monday - Thursday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6202. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. Onyezia 09/13/2007

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